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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of the Bolivarian Republic of Venezuela

Addendum

Information provided by Venezuela in follow-up to the concluding observations*

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Note: The present document is being circulated in English, French and Spanish only.

* The present document is being issued without formal editing.

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1. Detailed information on the steps undertaken to implement the recommendations contained in paragraphs 19 (a), (b) and (d)

2. **19. The Committee urges the State party:**

(a) To accord priority to the full implementation of the Act on Women's Right to a Life Free from Violence, including by adopting the necessary regulations and protocols, and to reconsider the definition of femicide in the reform of the Act in order to ensure that it is in accordance with international standards.

3. In 2017, the Ministry of People's Power for Women and Gender Equality, as the lead agency for public policies on women, began work on the draft regulations to be issued under the Act on Women's Right to a Life Free from Violence. It set up inter-agency working groups within a high-level commission made up of representatives of the Supreme Court, the Public Prosecution Service, the Ombudsman's Office, the National Institute for Women, the Scientific, Criminal and Forensic Investigation Unit, the Bolivarian University of Venezuela and the Chief Military Procurator's Office, among other entities. The commission has prepared a proposal containing 125 articles, all of which are aimed at regulating and strengthening the law. Consultations on the draft regulations are being held with social movements and women's organizations that are active in the country.

4. In terms of whether the definition of femicide in the reform of the Act is in accordance with international standards, it is defined in article 57 as follows:

> Article 57: Anyone who intentionally causes a woman's death because of a hatred of or contempt for womanhood, commits the crime of femicide, which is punishable by 20 to 25 years of imprisonment.

5. Hatred of or contempt for womanhood is deemed to have occurred if:

> 1. A relationship involved gender-based dominance and subordination
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> 2. The victim presents signs of sexual violence
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> 3. The victim exhibits degrading injuries or mutilation inflicted before or after death
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> 4. The victim's body has been exhibited or displayed in a public place
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> 5. The perpetrator has exploited the woman's situation of risk or physical or psychological vulnerability
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> 6. A history of violence against the woman in any of the forms provided for by the Act can be demonstrated, regardless of whether the woman reported it.

6. Since femicide is deemed to be a crime that violates human rights, anyone punished for femicide does not have the right to apply for parole or be considered for alternative methods of punishment.

7. The above definition is consistent with international standards, since it takes as its reference the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, both instruments to which Venezuela is a State party. In recognizing and criminalizing the offence, the definition represents an important step forward that is intended to guarantee women's human rights and fundamental freedoms and eradicate discrimination against them motivated by their status as women, which are aims of those Conventions.

(b) To adopt a national action plan on addressing violence against women and include specific measures to address all forms of violence, including the emerging violence that women experience online. The plan should also provide for a national violence coordination and monitoring mechanism, specific indicators and a clear time frame, as well as sufficient budget allocations, and ensure that all relevant stakeholders are specifically targeted.

8. The Ministry of People's Power for Women and Gender Equality is planning to design a national plan on women's right to a life free from violence for the period 2017-2020. The plan will be discussed with all institutional and social sectors that have specific responsibilities in the proper implementation of the Act on Women's Right to a Life Free from Violence, with a view to eliminating all forms of violence perpetrated against women expressly because they are women.

9. The rationale for the plan is to fulfil the provisions of the Act and international commitments such as the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women by guaranteeing access to justice for women affected by violence and protecting their human rights ("Mamá Rosa" Gender Equality and Equity Plan, social section, goal 3.6, lines of action 3.6.1 and 3.6.9).

10. This plan's strategic goals and its core actions must be coordinated with:

- The Second Plan for National Economic and Social Development, 2013-2019 (National Plan), historic goal 2, national objective 2.2: Building a just and equal society; strategic objective 2.2.4; and general objectives 2.2.4.2 and 2.2.4.3.
- The National Human Rights Plan for 2013-2019, which in its second key area envisages the following actions:
- Strengthening the units specializing in the prevention of violence against women, the centres caring for women victims, and the guidance units monitoring and supervising the measures imposed on attackers.
- Developing a national plan for providing training and raising awareness of women's rights among the bodies authorized to receive complaints, as provided for in the Act on Women's Right to a Life Free from Violence.

11. The plan must be implemented cross-sectorally, with participation from all the institutions involved in follow-up, monitoring and evaluation. The accountable institutions must allocate the budgeted resources, and the plan's implementation and outcomes must remain on the national political agenda.

(d) To ensure that women, including refugee and migrant women, have effective access to justice throughout the State party, by establishing specialized courts on violence against women in all states, including in rural areas and border zones, strengthening gender-sensitive complaints mechanisms, strengthening legal aid programmes, prosecuting and adequately punishing perpetrators of violence against women and compensating victims.

12. Under the Constitution, all women in Venezuela are guaranteed effective access to justice by the State. Since 2008, the State has been setting up specialized courts to try gender-based crimes of violence against women, as mandated by the Act on Women's Right to a Life Free from Violence. At the time of the oral presentation of the seventh and eighth country reports in October 2014, such courts had already been

set up and were operational in 18 states, comprising a total of 56 courts of first instance nationwide and two courts of appeal.

13. In addition, new specialized courts are due to be opened and put into operation to cover other parts of the country in 2017: four in the state of Guárico and four in the state of Falcón. In November 2015, a court of appeal with jurisdiction over crimes of violence against women was set up in the eastern region with jurisdiction in the states of Monagas, Anzoátegui, Delta Amacuro and Sucre. In February 2016, four courts of appeal with national jurisdiction over crimes of violence against women were established.

14. Regarding the specialized court of appeal in the state of Vargas, which is a transit area for tourists and an international port of entry into the country, a resolution is being drafted on its establishment for adoption by the plenary chamber of the Supreme Court and it is due to open in mid-June 2017.

15. With regard to border zones, a courthouse is being built in Santa Elena de Uairén, Gran Sabana municipality, Bolívar state, which is on the border with Brazil. It is expected to open in early 2018.

16. The Supreme Court has 86 specialized courts, including 42 procedural courts, 20 trial courts, 17 enforcement courts and 4 courts of appeal specializing in crimes of violence against women.

17. The Venezuelan State has made great strides in jurisprudence on women's human rights with the aim of ensuring that laws are correctly interpreted and properly implemented so that women have access to justice and their rights are effectively protected by the courts. The judgments, rulings and decisions rendered by the Supreme Court have been published on its official website (www.tsj.gob.ve).

18. However, in order to meet the need for legal tools enabling all women to access justice without discrimination, the Ministry of People's Power for Women and Gender Equality, the National Institute for Women and the National Office for the Defence of Women's Rights have established 18 local offices to defend women's rights, including in the border states of Zulia, Táchira, Apure, Amazonas and Bolívar, which provide legal assistance to women who have suffered violence or other violations of their rights. To date, 673 women have received assistance.

19. In terms of existing gender-sensitive complaint mechanisms, in 2016 the Public Prosecution Service put into effect a comprehensive service for victims of crimes of gender-based violence, staffed by prosecutors, lawyers, psychologists, psychiatrists, experts, legal assistants and administrative staff, among others. The service ensures that women victims of gender-based violence receive prompt care and assistance in a single location. The aim is also to treat them with the dignity and respect they require as victims and to do the utmost to facilitate their role in the criminal proceedings.

20. There, mechanisms are established to provide the victim with prompt and comprehensive care, using an integrated approach (on-site emotional containment). This involves performing the appropriate psychological assessment and a forensic physical examination, recording the complaint, immediately implementing protection and security measures, taking evidence from witnesses in an expeditious manner, and issuing an order to the relevant investigative agencies to conduct the necessary investigations, so as to strengthen the work of the specialized prosecutors during the investigation phase and ensure compliance with the time frame stipulated by law for the issuance of final decisions.

21. The Public Prosecution Service has 70 offices specializing in the defence of women, made up of three offices with national jurisdiction, six offices with jurisdiction over cases in the intermediate and trial phases, thereby optimizing institutional performance and representativity during these stages, given the need to ensure the continuing prompt and smooth functioning of the justice system and the right to a trial and due process as enshrined in the Constitution of the Bolivarian Republic of Venezuela, and 61 offices for the investigation phase, in addition to 32 offices attached to the Directorate for Ordinary Crimes, and 37 municipal offices, for a total of 139 offices around the country with jurisdiction over crimes under the Act on Women's Right to a Life Free from Violence.

22. Detailed information on the steps undertaken to implement the recommendations contained in paragraphs 31 (a), (c) and (d)

23. **31. The Committee urges the State party:**

(a) To enhance efforts to reduce maternal mortality by adopting a comprehensive strategy that provides for the effective implementation of the existing protocol on prenatal care and emergency obstetric care, a monitoring mechanism and adequate sexual and reproductive health services, including emergency contraception, antenatal, delivery, postnatal and post-abortion services. To that end, the State party is encouraged to consider the technical guidance of the Office of the United Nations High Commissioner on Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22 and Corr. 1 and 2).

24. The Ministry of People's Power for Women and Gender Equality designed the first plan for the protection of women's sexual and reproductive rights, 2014-2019, on full autonomy for women's bodies and autonomous, enjoyable and responsible decision-making. It aims to mainstream a human rights-based approach to sexuality and reproduction, promote the right to a free, responsible and enjoyable sexuality, and provide tools that will promote the exercise of the human right to reproduction and to access appropriate family planning. It is thus a plan for providing training on and raising awareness of sexual and reproductive rights.

25. The plan is aimed primarily at women in greater poverty and its main lines of action are combating the feminization of AIDS and other sexually transmitted infections; preventing adolescent pregnancy; providing differentiated services in order not to discriminate against lesbian, gay, bisexual, transgender and intersex groups; and promoting family planning as a human right to which everyone is entitled.

26. The aim of the Wanted, Safe and Happy Motherhood programme, 2015-2019, is to support women of childbearing age who are making the decision to become mothers, especially those in situations of social vulnerability. It will ensure that these women are supported and their rights to protected and respected motherhood are upheld, thus counteracting the patriarchal system, with an emphasis on rural parts of the country.

27. In May 2016, the same Ministry agreed on a workplan with the United Nations Population Fund on preventing maternal mortality and expanding knowledge of the Act on Women's Right to a Life Free from Violence through community capacity-building. Through the same Ministry, a guide to wanted, safe and happy motherhood was prepared to train People's Power women's groups, making it possible to disseminate information on women's sexual and reproductive rights, especially those applicable to pregnancy; identify the characteristics, conditions and requirements for

a healthy, safe and decent pregnancy, labour and birth for the mother and child; recognize the importance of monitoring during pregnancy and institutionally attended childbirth; identify situations affecting the health of pregnant women; and highlight the importance of social and community support for pregnant women in reducing the risks of maternal death. To date, 1,500 copies of the guide have been printed.

National plan on humanized childbirth

28. On 11 June 2017, the Ministry launched a national plan on humanized childbirth, alongside with the youth employment plan ("Plan Chamba Juvenil") of the Ministry of People's Power for Youth and Sport. The plan on humanized childbirth is the first training programme to be run by the Argelia Laya Feminist School of the South, which will use the guide to wanted, safe and happy motherhood as informational material. The plan comprises three key strategies:

- Training 10,000 women as community promoters of humanized childbirth, who will be deployed around the country to support pregnant women, through the "We are Venezuela" movement.
- Coordinating with the health-care sector through dissemination and training activities, including the certification of health-care centres as "friends of humanized childbirth".
- Developing a cross-cutting communication campaign that provides information and promotes and raises public awareness of humanized childbirth.

29. The presidential announcements bring together Plan Chamba Juvenil and the plan on humanized childbirth in two main areas:

- The material on humanized childbirth will be included in the training delivered to 15,000 health promoters as part of Plan Chamba Juvenil. The 5,000 young women displaying the most compassion and dedication on the subject will be trained as community promoters of humanized childbirth throughout the country and will receive a monthly allowance.
- Young people registered in Plan Chamba Juvenil at the national level will receive training on preventing dating violence and violence associated with early pregnancy and family planning. A campaign on the prevention of dating violence has been proposed for 12 August, as part of International Youth Day.

30. On Tuesday, 10 October 2017, the first cohort of community humanized childbirth promoters completed their studies. A total of 980 Venezuelan women from the states of Aragua, Miranda and Distrito Capital qualified as community promoters of the humanized childbirth plan as part of the "We are Venezuela" movement, with the aim of guiding women through pregnancy, post-partum and breastfeeding.

31. The outpatient network will also be prepared to receive women in labour. In addition, the National Constituent Assembly will be taking the necessary steps to penalize obstetric violence, consisting of the promotion of unnecessary Caesarean sections.

(c) To intensify efforts to reduce teenage pregnancies, including by ensuring access to age-appropriate information and education on sexual and reproductive health and rights for girls and boys.

32. In 2016, the Ministry launched an inter-agency network for the protection of motherhood and the prevention of early and adolescent pregnancy, which led to the establishment of a cross-sectoral technical board on the prevention of early and

adolescent pregnancy for the purposes of drafting and promoting a national plan for the prevention of early and adolescent pregnancy. The plan's strategic guidelines are based on nine core themes, each with its own strategic objectives.

33. The nine core themes are as follows:

- Rights-based comprehensive sex education
- Differentiated programmes and health-care services for adolescents
- System protecting and upholding adolescents' sexual and reproductive rights
- Adolescent empowerment, participation and organization
- Participation and organization of the People's Power
- Communication and information
- Indigenous peoples and communities
- Research to foster a sociocultural transformation in the prevention of early and adolescent pregnancy
- Statistical information systems and administrative records.

34. An intervention model for the prevention of early and adolescent pregnancy has also been developed and will be implemented in 50 communities in Venezuela. The model is being financed by the Inter-American Development Bank by means of an agreement with the Ministry of People's Power for Women and Gender Equality.

35. The National Constituent Assembly will continue to lay the groundwork for strengthening sex education that is consistent with advances in medical science and reaches all social sectors, with a view to preventing unwanted pregnancy and ensuring mass access to free contraception, including emergency contraception, and to assisted reproduction, according to the principles of sexual and reproductive rights.

(d) To amend its legislation to decriminalize abortion in cases of rape, incest, risk to the health of the mother and severe foetal impairment, remove punitive measures for women who undergo abortion and ensure the availability of abortion services.

36. Article 76 of the Constitution of the Bolivarian Republic of Venezuela establishes that:

> Parenthood is fully protected, whatever the marital status of the mother or the father. Couples have the right to decide freely and responsibly on the number of children they wish to have and to have the information and means to exercise this right. The State shall guarantee comprehensive assistance and protection for motherhood, in general from the moment of conception and during pregnancy, birth and puerperium, and shall provide comprehensive family planning services based on ethical and scientific values.
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> The father and mother have the shared and inalienable duty to raise, train, educate, sustain and assist their children, and a duty to help them with whatever they are unable to do themselves. The law shall establish the necessary and appropriate measures to make effective the maintenance obligation.

37. In the social section of the "Mamá Rosa" Gender Equality and Equity Plan, Goal 3.4 is:

- To raise awareness of reproductive rights among women and men.

This gives rise to two lines of action:

- To implement article 76 of the Constitution on women's physical autonomy
- To support the action of the accountable institutions in all training activities aimed at preventing maternal mortality.

38. Pursuant to the above, the Bolivarian Government has established laws, institutions and social organizations that promote women, which are being strengthened through the different areas and aspects to be addressed by the National Constituent Assembly, a sovereign and plenipotentiary body, and incorporated into the chapter on women of the new Constitution, illustrating the feminist commitment of President Nicolás Maduro Moros to the women of Venezuela.

39. The National Constituent Assembly, which is presided over by a woman, Delcy Rodríguez, established the Commission for Women's Rights and Gender Equity and Equality and appointed Maria León as its Chair and Marelis Pérez Marcano as its Vice-Chair, both of whom are women with broad experience in defending women's rights.

40. The creation of this Commission presents an opportunity to discuss a comprehensive approach to all women's rights issues, including the decriminalization of abortion, which is a matter to be handled within the programme of work pre-established by the Commission on Women. The President of the Assembly has undertaken to include this matter on the Assembly's agenda.

41. The Venezuelan State has chosen the right to life, which will be reflected in the new Constitution. The Assembly will consider the most frequently debated issues, such as abortion, with a view to establishing complete protection for motherhood through comprehensive and robust family planning, as a fundamental element of human rights.